

REMARKS

Claim Rejections - 35 USC §102

All of the pending claims stand rejected as being anticipated under §102 by both Reele and Squibbs independently. However, as neither of the two references admittedly disclose all of the elements of the claims, the Examiner therefore relies on inherent disclosure asserted to be present in both Reele and Squibbs.

The rejection of all of the pending claims relies upon the Examiner's assertion that "in order for a cellular telephone to operate the phone must establish a connection between the transmission tower and the phone's transceiver. Such a connection requires that the phone determine its location in order to select the proper transmission tower." Office action at page 2.

It is respectfully asserted that this is not the case and that neither Reele nor Squibbs explicitly or inherently discloses all of the limitations of the pending claims for two principle reasons.

Firstly, there is no evidence found within in the references that a cellular phone available before the priority date of the application was functional to determine its location as part of normal operation of the cellular telephone. It is kindly asserted that such an assertion is not supported by the references and was not a standard function of cellular telephones before the Sep. 18, 2000 priority date of the present application.

To the contrary of supporting this assertion, the references the Examiner relies on in support of this assertion indicate that such a function is not an inherent function in a cellular telephone.

In support of this assertion the Examiner provides a list of issued patents that purportedly prove such a point, without pointing to any specific portion of any of the references. The list of patents given in support of this proposition includes: Ali, Bruno et. al, Carlsson et. al., Maloney et al., Myers et al. and Rantalainen et al.

For example, the Bruno et. al patent, No. 6,538,601 with a filing date of June 15, 2001 (after the Sep. 18, 2000 priority date of the present application) describes a device with both a cellular transceiver and a GPS system. The GPS system is used to determine the location, and improvements to compensate for shortcomings of the GPS system in

determining location are taught. It is submitted that if the cellular transceiver was inherently capable of determining its location, then a GPS location determination system and improvements thereto would not be needed or sensical. According to the position espoused by the Examiner, the device of Bruno would inherently determine its position, and therefore the GPS and the location determination system associated with it would be completely redundant. Likewise, any teachings of using the cellular (GSM) network receiver to address shortcomings in the GPS location determination would not be necessary if the location determination was in inherent function of the cellular (GSM) network receiver.

A mobile unit includes a network receiver, such as a GSM telephone, for communication with a wireless network, and a navigation receiver, such as a global positioning system (GPS) receiver for receiving navigation signals. The navigation receiver includes a vector delay lock loop (VDLL) that receives information concerning the navigation sources, such as satellite data messages, transmitted over a common broadcast channel of the wireless network, and receives navigation signals from the navigation receiver.

Bruno Abstract

In summary, the GSM telephone of the mobile unit of Bruno would, according the position of the Examiner, be inherently operable to determine the location of the mobile unit. The navigation receiver would therefore be unnecessary and the Bruno reference, assigned to ITT, would be non-sensical. Thus, the Bruno reference itself indicates that a cellular phone (transceiver) is not inherently operable to determine its location. This would be well understood by those of skill in the art, and the teachings of the Bruno reference are only provided as an example.

In further support of this position, as can be seen below, many objects of the invention in Bruno are to overcome issues with GPS location determination. This would simply not be necessary, if as asserted by the examiner, a cellular transceiver of the like used in a cellular telephone was inherently operable to determine its location.

Another object of the invention is to use the information concerning the location of the navigation beacon with a vector delay lock loop circuit to enable the receiver to continue to accurately track the navigation beacon when the navigation beacon is received intermittently. In a system in